

Remarks:

These remarks are responsive to the Office action dated August 21, 2007. Prior to entry of this response, claims 9-24 and 26 were pending in the application. By way of this response, claims 9, 15, 18, 21, and 22 are amended, claims 23 and 26 are cancelled, and claims 28 and 29 are added. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

Allowable Subject Matter

Claims 15-17 and 21 are allowed. Applicants thank the Examiner for the indication of allowable subject matter.

Formal Matters

The oath or declaration is allegedly defective. Applicants have submitted an updated oath or declaration.

Claim 21 is objected to as: The status identifier should read "previously presented". Applicants' Claims 15 and 21 have been amended to correct typographical errors; in view of this, the status identifier for Claim 21 is now "Currently Amended."

Rejections under 35 U.S.C. § 102

Claims 22, 23, and 26 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Number 6,276,138 (Welch).

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,483,941 (Cullen).

Claims 9-14 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2002/0179048 (Okamoto).

Claim 22

Applicants' Claim 22 describes, among other limitations, a system comprising an engine having variable cam timing, the engine having a first group of cylinders and a second group of cylinders. Unlike the cited reference, the

system in Applicants' Claim 22 also discloses an emission control device receiving a mixture of exhaust gases discharged from a first and a second group of cylinders.

Figure 1 of Welch shows that the exhaust streams from the first and second groups of cylinders are segregated from one another until entering an exhaust pipe downstream of the emission control device. Welch further discloses a "juxtaposed concentric relationship" between an emission control device for the first group of cylinders and an emission control device for the second group of cylinders. Welch discloses that this arrangement is necessary to provide heat from the emission control device fluidly coupled to the first group of cylinders, which always receives warm exhaust combustion gases, to the emission control device fluidly coupled to the second group of cylinders, which intermittently receives "compressed and cooled intake air that is exhausted" from the second group of cylinders, and therefore is intermittently cooled below its operating temperature. Col. 3, Lines 60-67 and Col. 4, Lines 1-15. If the exhaust gas flows were mixed upstream of the emission control device that Welch describes, it is possible that the emission control device receiving that mixture may cycle below its operating temperature when the second group of cylinders was not combusting fuel, a situation which Welch teaches against. Consequently, Welch leads away from Applicants' Claim 22.

For this reason alone, Applicants respectfully request that the rejection to Claim 22 be withdrawn.

Claims 9-14 and 18-20

Applicants have amended Claims 9 and 18 to be similar to the previously allowed material. Applicants believe that these claims are now in condition for allowance; thus, Applicants respectfully request that the rejections to Claims 9-14 and 18-20 be withdrawn.

Double Patenting

Claim 24 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 18 and 19 of U.S. Patent No. 11/125,889.

Conclusion

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, Applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Please charge any cost incurred in the filing of this Response, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

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